

61-1-104 Reporter protected from adverse action -- Exceptions.

- (1) An employer may not take adverse action against an employee who is a reporter because of a lawful act of the employee, or a person authorized to act on behalf of the employee, to:
- (a) provide original information to the division or commission in accordance with Section 61-1-103;
 - (b) initiate, testify in, or assist in any investigation, judicial action, or administrative action based on or related to original information provided to the division or commission;
 - (c) disclose information required or protected under:
 - (i) Sarbanes-Oxley Act of 2002, 15 U.S.C. Sec. 7201 et seq.;
 - (ii) Securities Exchange Act of 1934, 15 U.S.C. Sec. 78a et seq.;
 - (iii) 18 U.S.C. Sec. 1513(e);
 - (iv) a regulation issued by the Securities Exchange Commission; or
 - (v) this chapter or a rule made under this chapter.
- (2) Notwithstanding Subsection (1), an employee is not protected under this section if:
- (a) the employee knowingly or recklessly makes a false, fictitious, or fraudulent statement or misrepresentation;
 - (b) the employee uses a false writing or document knowing that, or with reckless disregard as to whether, the writing or document contains false, fictitious, or fraudulent information;
 - (c) the employee knows that, or has a reckless disregard as to whether, the disclosure is of original information that is false or frivolous; or
 - (d) the employee is protected from adverse action as described in Section 21F of the Securities Exchange Act, 15 U.S.C. Sec. 78u-6, and regulations issued under that section.

Amended by Chapter 366, 2012 General Session